United Nations A/AC.109/2003/SR.5

General Assembly

Distr.: General
18 November 200
English
Original: Russian

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Monday, 9 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

Contents

Adoption of the agenda

Question of Western Sahara

Hearing of petitioners

Requests for hearings

Special Committee decision of 10 June 2002 concerning Puerto Rico

Hearing of petitioners

This record is subject to correction. Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

03-38876 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of Western Sahara (A/AC.109/2003/14)

2. **The Chairman** drew attention to the working paper on Western Sahara prepared by the Secretariat (A/AC.109/2003/14).

Hearing of petitioners

3. **The Chairman** recalled that, at its 3rd meeting, the Special Committee had decided to accede to the request for a hearing received from the representative of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO).

4. *At the invitation of the Chairman, Mr. Boukhari (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)) took a place at the petitioners' table.*

5. **Mr. Boukhari** (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)) said that the discussion of the question of Western Sahara was very timely in the light of the adoption by the Security Council of resolution 1485 (2003) on 30 May 2003, in which it had decided to postpone until July 2003 its consideration of the decolonization of Western Sahara.

6. The decolonization process begun by the Special Committee 40 years earlier should have led to the full decolonization of Western Sahara through the holding under United Nations supervision of a referendum on self-determination. In 1975, however, an agreement had been signed between Spain, Mauritania and Morocco, under which Western Sahara had then continued to be occupied by the latter two States. In 1976 they had signed an agreement dividing up the territory, its civilian population and its natural resources.

7. The Saharan people had been forced to continue their lawful struggle for self-determination and independence. Mauritania had subsequently withdrawn from the conflict, whereupon in September 1979 Morocco had occupied the areas left by the Mauritanian forces. That development, contrary to the rules of international law, had been unprecedented in the long history of acts of colonial oppression.

8. Neither the United Nations nor the Organization of African Unity (OAU) had ever recognized the legality of the presence of Moroccan forces in Western Sahara, and in 1984 the OAU had recognized the legitimacy of the Saharan people's cause by accepting Western Sahara as a member State. In 1983, the nineteenth Assembly of Heads of State and Government of the OAU had adopted a settlement plan, which had then been approved by General Assembly resolution 40/50 of 2 December 1985. In 1990, once the plan had been accepted by both sides to the conflict, it had been approved by the Security Council.

9. The United Nations-OAU settlement plan had begun a decolonization process which should have culminated in the holding in February 1992 of a referendum on self-determination. In April 1991, the Security Council had therefore decided to send the United Nations Mission for the Referendum in Western Sahara (MINURSO) to the region.

10. If Morocco had complied with its obligations under the settlement plan and the Houston agreements, the Special Committee would already have been able to remove Western Sahara from the list of territories awaiting decolonization. Through an objective analysis of the reasons for the current impasse, conclusions could be drawn as to how the United Nations could more effectively have fulfilled its political and moral duties in relation to the decolonization of Western Sahara.

11. In February 2000, thanks to the Houston agreements concluded between the Frente POLISARIO and the Kingdom of Morocco under the aegis of the Personal Envoy of the Secretary-General, MINURSO had completed the preparation of the preliminary list of participants in the referendum. All that remained had been to examine the appeals submitted by Morocco. The consideration of those appeals was an easily resolved technical issue, and minimal efforts in that area by the Secretary-General of the United Nations would certainly have been crowned with success.

12. Instead, however, the reports of the Secretary-General had begun to show the intention to renounce the only peace process which had been accepted by both parties and the United Nations, in order to replace it with alternative political solutions. The reasons for

such an unexpected change of approach were by no means convincing. Nonetheless, that had allowed Morocco to declare that the settlement plan had failed and to continue its efforts to oppose the efforts of the United Nations for the decolonization of Western Sahara. The Security Council had, however, shown wisdom in declaring that any proposed alternative solution must be accepted by both parties and must be based on the principle of self-determination for the Saharan people.

13. On 19 February 2002, the Secretary-General and his Personal Envoy had put forward three alternatives to the settlement plan, set out in document S/2002/178, but that the Council had not agreed to any of the choices and had confirmed the validity of the settlement plan. In January 2003, the Personal Envoy had submitted an additional settlement proposal which, together with the replies from the parties, was contained in the Secretary-General's report of 23 May 2003 (S/2003/565). That proposal called for a five-year transitional period during which Morocco would exercise sovereignty over Western Sahara but the territory's internal affairs would be governed by local authorities elected by its inhabitants. At the end of the period the United Nations would conduct a referendum on self-determination, in which not only Saharawi voters, but also Moroccan colonists who had been present in Western Sahara in December 1999 would be entitled to participate. The proposed transitional period entailed a considerable risk, because it could lead to the same violence and bloodshed as had been seen in the Middle East and East Timor. Another shortcoming of the proposal was that the right to vote was given not only to the Saharawis, but also to Moroccan colonists. The responses of the parties contained in the annex to the report of the Secretary-General showed that that proposal could not be a real alternative to the settlement plan.

14. According to the letter of the Minister for Foreign Affairs of Morocco to the Secretary-General, dated 23 May 2003, the United Nations should, as a starting point for the settlement of the conflict, definitively recognize Moroccan sovereignty over the territories it had occupied since 1975.

15. The Saharan side believed that the settlement plan was the only chance for a fair and lasting settlement of the conflict on the basis of United Nations resolutions. Accordingly, in response to the proposal of the Personal Envoy of the Secretary-General, the Frente POLISARIO was putting forward a proposal which would enable the Identification Commission to find practical solutions to issues relating to the appeals process, thereby opening up the way for the holding of the referendum.

16. The Frente POLISARIO was seeking to uphold the settlement plan and the Houston agreements which complemented it, in the belief that the plan was the only solution which had been accepted by both parties and by the United Nations. The plan should take priority over any other alternative. The longer the United Nations neglected the effective fulfilment of its obligations toward the decolonization of Western Sahara, and the longer the sufferings of its innocent people, the violation of their most elementary rights and the plundering of their natural resources continued, the less likely it would be that a peaceful settlement could be achieved within the framework of the United Nations. The greatest obstacle on the road to the decolonization of Western Sahara was Morocco. The latter expected the United Nations to renounce the principle of self-determination and instead to accept a solution which would enable Morocco to seize the country and its natural resources permanently. The people of Western Sahara hoped that the Organization would not permit Morocco to make use of the name and the Charter of the United Nations in order to legitimize its colonial misdeeds.

17. The decision to be taken by the Security Council on the conflict in Western Sahara would be of great importance in ensuring justice and peace in the region and for the authority of the United Nations system. The members of the Council had the necessary means and powers for the achievement of a just and lawful peace.

18. *Mr. Boukhari withdrew.*

19. **The Chairman** suggested that the Committee should conclude its consideration of the question of Western Sahara, taking into account any guidance that might be given in that connection by the General Assembly at its fifty-eighth session, and that it should transmit all appropriate documentation to the Assembly in order to facilitate consideration of the same item by the Special Political and Decolonization Committee (Fourth Committee).

20. *It was so decided.*

21. **The Chairman** said that the Committee had concluded its consideration of the agenda item.

Requests for hearings (aide-memoire 11/03/Add.1)

22. **The Chairman** drew attention to aide-memoire 11/03/Add.1, containing a number of requests for hearings concerning the item "Special Committee decision of 10 June 2002 concerning Puerto Rico". If there were no objections, he would take it that the Special Committee wished to accede to those requests.

23. *It was so decided.*

Special Committee decision of 10 June 2002 concerning Puerto Rico (A/AC.109/2003/L.3 and L.7)

Hearing of petitioners

24. **The Chairman** recalled that at its current and previous sessions the Special Committee had decided to hear a number of petitioners on the question under consideration.

25. *At the invitation of the Chairman, Mr. Farinacci García (Frente Socialista) took a place at the petitioners' table.*

26. **Mr. Farinacci García** (Frente Socialista) said that he was speaking on behalf of the Frente Socialista, which grouped together parties and movements campaigning for independence and socialism in Puerto Rico. On behalf of the workers, women and young people of Puerto Rico, he called on the Committee to take a decisive position on the colonial regime currently in existence in Puerto Rico and to appeal to the United States of America to recognize the inalienable right of the people of Puerto Rico to freedom.

27. A number of organizations that were defending Puerto Rico's right to self-determination and independence had made statements to the Committee in recent years in which they had repeatedly condemned the increasingly harsh colonial regime there and had reported on the increasingly active struggle of the Puerto Rican people against concrete manifestations of imperialist domination.

28. Since 1999 those organizations had been actively opposing the situation that had arisen in Vieques as a result of the actions of the United States Navy. He thanked the Committee for adopting a resolution supporting the Puerto Rican people and calling for the withdrawal of the United States Navy from the territory of Vieques. But the Vieques struggle was not over — there was still the task of restoring the island's natural environment, as well as the final transfer of the liberated territory to the inhabitants of Vieques.

29. Over 1,200 persons had been convicted in United States courts for struggling on behalf of the just cause of the Puerto Rican people. Eight of them had been included in a list of domestic terrorists compiled by the United States Department of Justice, which was a scandalous violation of human rights. They had all been subject to continual persecution by a repressive system.

30. Another source of tension in the colonial regime was the intention of the United States Government to introduce the death penalty in Puerto Rico, even though it was prohibited by the country's Constitution. Ignoring the provisions of the Constitution, the United States authorities had confirmed 14 death sentences passed by courts in Puerto Rico. United States federal courts had come to the conclusion that federal legislation had precedence over the Constitution of Puerto Rico. That was just one more act of colonial infringement of the democratic rights of the Puerto Ricans. The threat of the death penalty still hung over two Puerto Ricans whose fate lay in the hands of 12 jurors who were ignorant of the fact that the Puerto Rican people were categorically opposed to the death penalty, regarding it as a barbaric and unreasonable act. And that was just one of many concrete manifestations of the colonial domination that was restricting democratic freedoms in Puerto Rico.

31. The Frente Socialista would carry on the struggle until the right of the Puerto Rican people to self-determination and independence was recognized, and the unconditional transfer of all sovereign powers to the Puerto Rican people was assured.

32. The Frente Socialista would stand up for the rights of the Puerto Rican people on the basis of General Assembly resolution 1514 (XV) of 14 December 1960 and would call for the immediate withdrawal of the entire United States military, legal and political apparatus from Puerto Rico. The Frente Socialista insisted on the release of all prisoners languishing in imperial jails. He said in conclusion that Frente Socialista supported the draft resolution that had been submitted and requested that the question of Puerto Rico be transmitted to the General Assembly for consideration as soon as possible. The international community must fulfil its obligations to support decolonization processes throughout the world.

33. *Mr. Farinacci García withdrew.*

34. *At the invitation of the Chairman, Mr. Ortiz-Guzman (PROELA) took a place at the petitioners' table.*

35. **Mr. Ortiz-Guzman** (PROELA) said that his organization recognized the existence in Puerto Rico of a colonial situation, and thus the jurisdiction of the Special Committee in considering the question of Puerto Rico. Regrettably, the United States Government was displaying indifference with regard to the efforts of the Puerto Rican people to change their status and fulfil demands for decolonization. Over the past 50 years Puerto Ricans had expressed their desires in three referendums — in 1977, 1993 and 1998. They had submitted many proposals on the question, but had received no response from the United States Congress or Government. Moreover, in the past two years the United States Department of State had not allowed Puerto Rico to play an independent part in the work of the Association of Caribbean States, which was having a negative impact on the country's socio-economic potential.

36. In light of the above, PROELA was calling for free association under which the Puerto Rican people could bring about the decolonization of the country. Political association as a variant of decolonization was not mentioned in resolutions of the Special Committee adopted between 1979 and 2002. That alternative was also not mentioned in the draft resolution submitted in 2003. The Special Committee should consider the special situation in Puerto Rico and include that variant in a resolution since it enjoyed the support of various strata of Puerto Rican society. Free association as a variant of decolonization was acknowledged in several resolutions, including General Assembly resolution 1541 (XV) of 15 December 1960. A definition of and specific criteria for that alternative were given in that resolution. On 12 September 1968 the Special Committee had adopted a resolution in which, after confirming the right of Puerto Rico to self-determination and independence, it recognized free association as a variant of decolonization. Recognition of that variant of sovereignty would fully correspond to the principles of international law. He requested the Special Committee to insert a new paragraph in the draft resolution referring to the variant of free association. He also called on the United States to submit a plan for the decolonization and self-determination of the people of Puerto Rico and appealed to the sponsors of the resolution on Puerto Rico to pay heed to the arguments of the movement for autonomy and free association in the course of drafting the text. The Special Committee should propose to the Government of the Free Associated State of Puerto Rico that it produce information concerning the state of relations between Puerto Rico and the United States.

37. In conclusion, he said that the Special Committee should take account of the resolutions adopted by both chambers of the Legislative Assembly of Puerto Rico regarding the holding of a referendum called for by the Constituent Assembly on relations between Puerto Rico and the United States. He also requested that United Nations observers should be sent to observe any voting process that was instituted.

38. *Mr. Ortiz-Guzman withdrew.*

39. *At the invitation of the Chairman, Ms. Seijo Ortiz (Colegio de Abogados de Puerto Rico) took a place at the petitioners' table.*

40. **Ms. Seijo Ortiz** (Colegio de Abogados de Puerto Rico) said that her organization brought together lawyers of various political and ideological affiliations and had consistently condemned the colonial system prevailing in Puerto Rico. It had repeatedly called on the Special Committee to ensure implementation of the provisions of General Assembly resolution 1514 (X[illegible]), which declared that all peoples had the right to self-determination and demanded that an end be put to all manifestations of colonialism. A population could not be free until it exercised its right to vote, having chosen independence or association with another State or to form part of another State. The Puerto Rican people had not chosen their past or their present, but they were insisting on their right to choose their future.

41. Puerto Ricans could not stand idly by and observe manifestations of injustice towards their compatriots with regard to actions taken by them in full compliance with the inherent right of colonial peoples, declared by the General Assembly in 1970, to struggle against colonial Powers by all necessary means at their disposal.

42. Examples of actions by the colonial Power which undermined the dignity of the Puerto Rican people were the incarceration of Puerto Ricans in United States federal prisons for lengthy terms for fighting for their independence; the plan to bring criminal cases against Puerto Ricans who, exercising their right to

freedom of expression, had destroyed symbols on Vieques of the island's occupation by the United States Navy; putting Puerto Ricans who had used civil disobedience in their struggle for the withdrawal of the Navy from Vieques on the United States Department of Justice's terrorist list; attempts to restore the death penalty despite its being banned by the Constitution of the Free Associated State; the lack of progress in returning to the population of Puerto Rico their lands on the island of Culebra and also in the matter of cleaning up those lands, in spite of the fact that 28 years had already passed since the United States Navy withdrew from that island; the transfer of territory on the island of Vieques, which had been freed after the marines had left, to the United States Department of the Interior rather than to the Puerto Rican people and the failure to carry out demands to clean up the territory and compensate for damage caused by the United States Navy to both Culebra and Vieques.

43. The reason for all those and other similar situations was the colonial status of Puerto Rico; they could be rectified only by granting the people the right of self-determination. In that connection, the decision of the General Assembly in 1953 to release the United States of America from the obligation to submit information on the territory of Puerto Rico was mistaken since a mutually agreed association did not meet the criteria established by the General Assembly itself in resolutions 742 (VIII) of 27 November 1953 and 1541 (XV).

44. She asked the Special Committee, in deciding on its position on the question of Puerto Rico, to take into account all the circumstances that had been mentioned. There was a consensus in Puerto Rico between the different political parties on the need to seek a procedural mechanism to enable the people to express their opinion concerning the political and legal formula for determining the status of Puerto Rico. In that connection, the Colegio de Abogados de Puerto Rico had unanimously adopted a resolution and approved a tripartite draft law providing for the holding of a referendum on the convening of a constituent assembly to discuss the proposals for a change in the political relationship between the people of Puerto Rico and the United States. The constituent assembly was a mechanism of democratic consensus in relation to any of the three forms of self-determination. However, in order for such efforts to be successful, it was essential for the United States to declare that it would abide by the decision taken by the Puerto Rican people. Also essential was the support of the General Assembly, which was the repository of international law.

45. Expressing regret concerning the survival of relics of colonialism in the twenty-first century, she called on the Special Committee to declare that Puerto Rico had not attained self-determination and was entitled to it. It was also essential to refer the question of Puerto Rico to the plenary General Assembly for consideration in order to enable Puerto Rico in the near future to escape the doubtful honour of being termed the oldest colony in the western hemisphere.

46. *Ms. Seijo Ortiz withdrew.*

47. *At the invitation of the Chairman, Mr. Salvador Vargas Jr. (Concerned Puerto Rican Americans) took a place at the petitioners' table.*

48. **Mr. Salvador Vargas Jr.** (Concerned Puerto Rican Americans), while welcoming the withdrawal of the United States armed forces from the Puerto Rican island of Vieques, pointed out that, in fact, nothing had changed since the military command had handed over the occupied territory not to Puerto Ricans but to the Committee on Energy and Natural Resources of Congress, retaining the right to resume military activity on the island in the future. The Puerto Rican islands of Vieques, Culebra and Mona therefore remained under the control of the United States Congress.

49. He said that that had been done with the connivance of the present Governor who was endeavouring to convince the international community that the military occupation of Puerto Rico had been terminated.

50. Two leading international terrorists wished to subjugate all sovereign States, threatening the security not only of Puerto Rico, Afghanistan, Palestine and Iraq, but also of all other countries that impeded the realization of their plans.

51. The United Nations had lost its relevance as an instrument for supporting peace and had become a plaything in the hands of terrorists. The Secretary-General, Mr. Kofi Annan, was under the thumb of the United States of America and the United Kingdom and had become a pathetic puppet who had not even deprived those countries of their right to vote in the Organization. He was unworthy to occupy his post and

should return the Nobel Prize, which had undeservedly been awarded to him.

52. The United Nations had become an instrument of evil, which enabled the two terrorists to decide the fate of Yugoslavs, Africans, Arabs, Asians and Latin Americans. Diplomacy itself had become a fiction, which was being used to undermine the determination of peoples to fight for their freedom.

53. *Mr. Salvador Vargas Jr. withdrew.*

54. *At the invitation of the Chairman, Ms. Hernández (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.*

55. **Ms. Hernández** (Partido Nacionalista de Puerto Rico) said that the United States, in open defiance of the resolution of the Special Committee, the United Nations Charter and the norms of international law, was refusing to take steps to ensure a genuine process of decolonization in Puerto Rico. That was occurring at a time of a worldwide resurgence of the practice of aggressive warfare, colonialism, neocolonialism and the systematic plunder of the resources of the countries that were the victims of such crimes. Only recently the world had witnessed the invasion of a sovereign country and a new attempt to divide up the world among the great Powers. She was concerned at attempts to restrict the role of the United Nations, thus making it effectively powerless. The world was being threatened by a world order in which the law of the strongest prevailed, and it was essential to counter that threat as soon as possible.

56. Repression in Puerto Rico had become even more overt. People struggling for such just causes as that of ending the presence of the armed forces of the United States on Vieques or the granting of the country's independence were being prosecuted. Antonio Camacho Negrón, a fighter for independence who refused to recognize the jurisdiction of those intervening on his behalf and that of his country, was in prison. The names of a number of Puerto Ricans were included in lists of terrorists, a fact which, as was well known, led to their being arrested and held in prison or in concentration camps such as the base at Guantanamo, where hundreds of people, despite all the existing laws of the United States and the norms of international law, were being detained in violation of all legal safeguards. The colonial regime was maintained with the help of electoral devices that were contrary to all ethical and moral standards. Puerto Rico was entirely under the domination of a great Power, which had made war its sole political instrument and was establishing its hegemony and trampling on the freedom of peoples.

57. Puerto Rico could not wait for yet another century to pass. Colonialism was an encroachment upon a people, not only economic, cultural and social, but also emotional and psychological. Colonialism was a crime against humanity. It was essential to accelerate the pace of events so as not to permit emotional, physical and psychological genocide. Puerto Ricans, being convinced of their resolve and their struggle as well as of the support of the Special Committee, hoped that that would not occur. Puerto Rico was entitled to join the community of the free and sovereign States of the world. The United States should leave the national territory of Puerto Rico, withdraw all its repressive and armed forces and release the compatriots languishing in the jails of the United States. It was essential to make a start on a general process of decolonization, which would make possible the transfer of sovereignty over Puerto Rico to the Puerto Ricans themselves. The attainment of independence by Puerto Rico would be a historic event and an important step towards peace and ensuring human rights throughout the world. In conclusion, she expressed the hope that the Special Committee would be able to give practical assistance towards the attainment of that aim.

58. *Ms. Hernández withdrew.*

59. *At the invitation of the Chairman, Mr. Chávez (Gran Oriente Nacional de Puerto Rico) took a place at the petitioners' table.*

60. **Mr. Chávez** (Gran Oriente Nacional de Puerto Rico) said that the patriotic freemasons of Puerto Rico had always been in the forefront of the struggle for the decolonization and independence of Puerto Rico; since 1972 they had regularly taken part in the Special Committee, providing information on various aspects of the struggle of the Puerto Ricans to attain their inalienable right to sovereignty.

61. He noted with satisfaction the unanimous adoption in 2002 of a resolution in support of the self-determination and independence of Puerto Rico which, in his view, should form the basis for consideration of the subject of Puerto Rico by the General Assembly.

62. More than one generation of the most worthy representatives of the Puerto Rican people had devoted

their lives to the cause of political, economic and social independence. Even today, many Puerto Ricans who were involved in the struggle for independence were languishing in the jails of the United States. In that connection, he appealed to the Special Committee to call for the immediate release of those political prisoners.

63. Despite the oppression to which the Puerto Rican people had been subjected, certain victories had also been achieved. The Government of the United States had recently ceased its firing exercises on Vieques; that had been achieved through the selfless action of hundreds of men and women, many of whom had been sentenced to various terms of imprisonment for having, by peaceful means, demanded the restoration of tranquillity on Vieques. International solidarity was of great significance to the struggle of the Puerto Rican people, particularly the unfailing support of the Special Committee. However, the victory achieved on Vieques was not total. Most of the territory of Vieques remained, as before, in the hands of various agencies of the United States Government and was still contaminated by radioactive material and other noxious substances. The territory of the island of Culebra was still contaminated although the United States armed forces had left the island as long as 30 years previously. He hoped that the Special Committee would support the demand for the clean-up of the contaminated territory of Culebra and Vieques and for the return of the liberated territories to Puerto Ricans to be used for the purposes of sustainable development. It was also essential to compensate for the damage that the United States presence had caused on Vieques and Culebra which were a unique natural resource.

64. In conclusion, he called on Committee members to take decisive measures to put an end to the existence of the world's oldest colony. The Puerto Rican people, for their part, would continue their efforts to achieve self-determination based on consensus and democratic will.

65. *Mr. Chávez withdrew.*

66. *At the invitation of the Chairman, Mr. Velgara (Vieques Support Campaign) took a place at the petitioners' table.*

67. **Mr. Velgara** (Vieques Support Campaign) said that the organization that he represented had been established in May 1999 to support the needs of the people of Vieques.

68. At present, more than at any other time since the Second World War, the global political, diplomatic, military and economic threats to national sovereignty and self-determination were a clear challenge. Nowhere had the gauntlet of liberation and justice facing the community of nations been so clearly thrown down as in Palestine and Puerto Rico, and most recently Iraq. In the case of Iraq, millions of people throughout the world had dared to oppose the war.

69. The inhabitants of Vieques and all of Puerto Rico had celebrated on 1 May 2003 the closing of the United States Navy bombing range. That had been achieved thanks to militant and consistent civil disobedience, international support and public pressure over a period of three and a half years; in Vieques and elsewhere more than 1,600 people calling for an end to the bombing and the immediate withdrawal of the United States Navy had been arrested. The world was witness to the brutal and racist treatment of persons arrested for their devotion to the Vieques cause. The struggle ahead would involve decontamination, devolution of the land and sustainable development.

70. The island of Vieques remained one of the most flagrant examples of the colonial control exercised by the United States of America over the people of Puerto Rico since its military invasion of 1898. Twenty-seven per cent more people suffered from cancer on Vieques than on the main island of Puerto Rico; many types of respiratory illness had spread; and the water, air, flora and fauna had been contaminated. The official unemployment rate on Vieques was more than 40 per cent. Vieques remained a training ground and base for military invasions of other countries.

71. All that was needed for colonization, military invasions and pre-emptive wars to continue to define the current millennium was for States of goodwill standing for peace and justice to say and do nothing. The current hearings in the Special Committee were a reminder of the genuine aspirations of many States and peoples in the world. He called for the freedom and sovereignty of Puerto Rico and the complete demilitarization of Vieques, including the dismantlement of the over-the-horizon radar station deployed there.

72. *Mr. Velgara withdrew.*

73. *At the invitation of the Chairman, Ms. Brassell (United for Vieques, Puerto Rico, Inc.) took a place at the petitioners' table.*

74. **Ms. Brassell** (United for Vieques, Puerto Rico, Inc.) said that the goal of her organization was to inform civil society about the health hazards and ecological and economic destruction caused by the activities of the United States Navy on Vieques and inspire the public to participate actively in and protect their communities.

75. After welcoming the fact that demands for the demilitarization of Vieques had been met on 1 May 2003, she said that there were three remaining demands: the contamination from more than half a century of bombing and other military action must be removed from the lands and waters of Vieques; every inch of land on Vieques must be given back to the people of Puerto Rico; and the people must be allowed to fulfil their vision for the development of a free Vieques, without interference from the United States Navy, through a land trust, so that the land rescued from the Navy would belong forever to the people of Vieques.

76. Attempts to assimilate and Americanize the people of Vieques must cease. The right of the people of the island to speak Spanish and to have their own culture was non-negotiable.

77. The United States Navy still had on Vieques a relocatable over-the-horizon radar station which was so powerful that, by the United States Navy's own admission, it could alter the weather. Furthermore, the land on Vieques was still not in the hands of the people. The Navy had turned it over to the United States Department of the Interior, which in turn had given jurisdiction over it to the Fish and Wildlife Service. That step was a cause for alarm because it had been taken in order to relieve the United States Navy of any responsibility for cleaning up the land and to avoid returning it to the inhabitants of Vieques.

78. Funds must be provided to promote sustainable development on the island. The Navy presence had devastated the economy and the livelihoods of the people.

79. The international community must firmly support the efforts to achieve the restoration of peace to Vieques.

80. *Ms. Brassell withdrew.*

81. *At the invitation of the Chairman, Mr. Ramos Rosado (ProLibertad Freedom Campaign) took a place at the petitioners' table.*

82. **Mr. Ramos Rosado** (ProLibertad Freedom Campaign) said that he represented a broad-based anti-imperialist and anti-colonial organization that sought to secure the freedom of Puerto Rican political prisoners and prisoners of war and the decolonization of Puerto Rico by educating, organizing and mobilizing communities.

83. With the Second International Decade for the Eradication of Colonialism (2001-2010) in full progress, the question of Puerto Rico remained a critical and defining component of that strategic plan. If the United States of America were to give up colonial control over Puerto Rico, that would force other administering Powers such as France and the United Kingdom to follow suit, which, in turn, would also dissolve their colonial relations with the 17 remaining Non-Self-Governing Territories. Notwithstanding the Committee's groundbreaking and unified cry against colonialism, the United States of America had not acted on any of its recommendations.

84. Although the Puerto Rican people were able to travel to the United States of America, they remained a colonized people: they were the first to be sent to war; they were not represented in Congress; and they were objects of repression and surveillance when seen by the United States of America as a threat to the colonial status quo. Six Puerto Rican political prisoners had served more than 20 years in United States prisons. Their sentences were punitive and excessive. Although none of the Puerto Rican political prisoners and prisoners of war had had prior criminal records or had been charged with any violent acts, they had been given sentences 19 times longer than the average sentence handed down during the year of their arrest. That clearly showed that the goal was to punish them for their beliefs and not for the acts alleged by the United States Government at the time of their arrest. Despite the fact that the Puerto Rican political prisoners and prisoners of war had demonstrated exemplary behaviour since their incarceration, they had been subjected to torture, abuse and violence, denied medical treatment, held in solitary confinement for unacceptably long periods and denied the possibility of meeting with family and legal counsel. Such acts of torture and repression were a direct violation of the Standard Minimum Rules for the Treatment of Prisoners, prohibiting discrimination against prisoners on grounds of political opinion or conviction.

85. The United States of America had recently waged war against Iraq to rid the country of weapons of mass destruction, which turned out not to be there, and also, allegedly, to promote the freedom and right to self-determination of the Iraqi people. The concern of the United States of America for human rights and its commitment to the cause of freedom were hypocritical. The colonial reality of Puerto Rico, the United States military presence on Vieques and the incarceration of political prisoners and prisoners of war were all violations of international law and human rights which the United States had done nothing to rectify. Moreover, the United States was exercising its right, under Article 73e of the Charter of the United Nations, not to transmit information as a loophole for violating human rights in Puerto Rico. His organization would like the question of human rights violations in Puerto Rico to be taken up at the international level and the consequent denial of the right of the United States to withhold information under Article 73e of the Charter.

86. He said that, in spite of advances such as handing down suspended not guilty verdicts in the cases of 11 Puerto Rican political prisoners and prisoners of war and their freeing in 1999 and the recent ending of military exercises on the island of Vieques, the goal of the decolonization of Puerto Rico had not been achieved.

87. He requested the Committee to call on the United Nations to adopt immediate measures to put an end to Puerto Rico's colonial status, to meet the demands of the people of Vieques and to secure the unconditional freeing of all remaining Puerto Rican political prisoners and prisoners of war.

88. *Mr. Ramos Rosado withdrew.*

89. *At the invitation of the Chairman, Mr. Martín-García (Puerto Rican Independence Party) took a place at the petitioners' table.*

90. **Mr. Martín-García** (Partido Independista Puertorriqueño) said that the basic element in the draft resolution under consideration by the Committee was recognition of the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with the norms of international law.

91. The United Nations was living through the deepest crisis since its founding. Unilateral actions by the Government of the United States in unleashing war on Iraq and threatening to punish Governments that spoke out against that imperialist policy were creating a danger that the United Nations was becoming the agency for disseminating decisions that had been taken in Washington, which was a violation of the basic principles of international law. At what was a very complex time, the Security Council had succeeded in rejecting the blackmail and pressure to which it was subjected.

92. It was not surprising that the resolution traditionally submitted by Cuba, in which it was confirmed that Puerto Rico was a colony of the United States, was meeting with strong revanchist pressure designed to sabotage its adoption.

93. Adoption of the resolution under consideration would be not only an expression of solidarity with the law on the sovereignty of Puerto Rico but also an important contribution to enhancing trust in the agencies of the United Nations and in their independence.

94. *Mr. Martín-García withdrew.*

95. *At the invitation of the Chairman, Ms. Ramos (American Association of Jurists) took a place at the petitioners' table.*

96. **Ms. Ramos** (American Association of Jurists) said that her organization supported the text of the resolution submitted, which reflected the desire of the people of Puerto Rico to begin the process of decolonization without pressure or interference from the Government of the United States.

97. Resolutions previously adopted by the Committee, which had contained calls for the United States immediately and unconditionally to stop bombing and military exercises on the island of Vieques, had demonstrated international solidarity, making the people of Puerto Rico feel that they were not alone.

98. The American Association of Jurists, together with the Colegio de Abogados de Puerto Rico, had condemned the violation of human rights by the United States Navy at a meeting in Geneva of the Human Rights Committee, stating that the contamination and damage done to the environment as a result of military manoeuvres, including experiments with depleted uranium and other kinds of weapons unrelated to ordinary arms, were a convincing demonstration of "ecological racism".

99. Although the United States Navy had stopped its manoeuvres on Vieques island, the land had been transferred to the jurisdiction of the Department of the Interior and the United States Fish and Wildlife Service. The American Association of Jurists was once again expressing its support for the draft resolution demanding the return of the occupied land on Vieques to the people of Puerto Rico, so as to ensure the future economic development of the island, and its decontamination. It was necessary to undertake environmental research to determine the scale of the damage and environmental degradation due to 60 years of continuous military activity.

100. A genuine process of decolonization required that the military activity of the administering Power be terminated. It was essential for President Bush to release Puerto Rican prisoners serving long sentences in United States prisons for cases related to the struggle for the independence of Puerto Rico. The American Association of Jurists welcomed the proposal to establish a Constituent Assembly, thereby committing the Congress of the United States to transfer to it full and complete plenipotentiary powers in respect of Puerto Rico.

101. *Ms. Ramos withdrew.*

102. *At the invitation of the Chairman, Mr. Gonzáles (Comité Pro Rescate y Desarrollo de Vieques) took a place at the petitioners' table.*

103. **Mr. Gonzáles** (Comité Pro Rescate y Desarrollo de Vieques) said that the presence and activities of the United States Navy on Vieques island over more than 60 years was hindering the attainment of civil and human rights. After four years of peaceful civil disobedience and the adoption of other non-violent measures, the United States Navy had been forced to stop its military operations on the island.

104. Scientific research carried out both by the Navy and by State bodies and universities in Puerto Rico had shown that many islanders were suffering from cancers and other illnesses caused by toxic substances which had been accumulating on the island over 50 years of military exercises. Among the substances were heavy metals and other chemical components of explosives and radioactive substances such as uranium. The island's population was in favour of the sustainable development of Vieques. However, the United States Congress had transferred the island into the possession not of its legal owners, i.e. the population of Vieques, but of the United States Department of the Interior.

105. The inhabitants of Vieques were requesting the Special Committee to include in its resolution the demand to the United States Congress that it ensure a complete environmental clean-up of the island, return the lands and support the sustainable development of the island.

106. His committee had formulated the following four demands of the island's residents: demilitarization, decontamination, return of the land and development.

107. The island's population had managed to secure the halting of bombing practice although demilitarization had not been completed. In the south-western part of the island a mobile over-the-horizon radio location station was continuing to operate, and in Monte Pirata there was a military communications post. His committee was demanding the inclusion in the agreement on the transfer of lands of a clause on the impossibility of using Vieques in the future for military purposes.

108. His committee was demanding a full and comprehensive environmental clean-up so that it would be possible to use the land for agriculture, the development of ecotourism, the building of houses and other purposes. Decontamination and restoration of the environment to its previous state had to be in part a process of socio-economic development in which hundreds of the island's residents would take part. The role of the population of Vieques in conducting the scientific environmental research was of very great importance. His committee wanted Puerto Rican scientific research establishments to be involved in restoring the environment to its prior state so as to avoid dependence on foreign companies or the United States Navy. His committee was also in favour of the establishment of an international centre for conducting research on cleaning up the island.

109. His committee would use all peaceful means at its disposal, including civil disobedience, to secure the return of all the lands which by right belonged to the people of Puerto Rico.

110. His committee would be campaigning to ensure that the lands and projects in the development area were used in the interests of the people and not of hotel owners and politicians. His committee was in favour of broad and genuine participation by the population in

the taking of decisions concerning the future use of the lands.

111. The demands put forward by his committee were interdependent. It was impossible to ensure the territories' development if they were not returned and demilitarized. His committee called for strengthened unity and better organization so that Vieques could be cleaned up and transferred to the people to whom it belonged.

112. *Mr. Gonzáles withdrew.*

113. *At the invitation of the Chairman, Mr. Rivera (Puertorriqueños Unidos en Acción) took a place at the petitioners' table.*

114. **Mr. Rivera** (Puertorriqueños Unidos en Acción) said that the United States Government had never overtly acknowledged its control over Puerto Rico, and had instead been taking carefully thought-out steps to create the false impression in the community about the role it was playing in the political, economic, social and cultural lives of Puerto Ricans.

115. Puerto Rico, like Iraq, had been subjected to military aggression. Both countries had become the victims of disinformation and fantasy on the part of intelligence services, which had misled international public opinion. In the case of Puerto Rico, disinformation was being used to put the idea of independence under the heading of illegal ideas.

116. The Government of the United States had introduced laws on the enlistment of Puerto Ricans in the United States Army.

117. Most United States Administrations had encouraged the policy of military expansion. The United States was in a state of war with the entire world, a war that was being waged "in the name of democracy and freedom". Most of the nations of the world did not associate the United States with the concept of "freedom"; it was a distant and terrible enemy bringing war, hunger, fear and destruction.

118. The aim was to secure the return of Vieques, to clean up its contaminated shoreline and bring to an end the diseases caused by the use of chemical artillery shells by the military. It was essential for Vieques to be visited by United Nations inspectors.

119. In the light of the current situation, the work of the Special Committee which had new problems to resolve, acquired increasing importance. The people of Puerto Rico were facing conditions that were incompatible with the norms of international law accepted by all countries, including the United States. The Government of the United States had used its influence to ensure that the question of Puerto Rico was not included in the agenda of the United Nations and was doing everything possible to impede the attainment by the people of Puerto Rico of their sovereign rights.

120. The Special Committee bore a particular responsibility to shed light on the real situation of Puerto Ricans through resolutions, to promote the spread of information about Puerto Rico among the world community, to exert pressure on international institutions and mechanisms and to ensure the attainment of basic human rights such as the right to freedom and the right to a sovereign government which would take decisions affecting the destiny of Puerto Rico. The Special Committee should appeal to the Government of the United States to respect international legal standards which were essential for all sovereign States.

121. *Mr. Rivera withdrew.*

122. *At the invitation of the Chairman, Mr. Adames (Al Frente) took a place at the petitioners' table.*

123. **Mr. Adames** (Al Frente) said that, despite the fact that the Constitution of the United States had enshrined the principle of non-discrimination, there was in fact scandalous discrimination of historic proportions in relation to an entire country and a people — Puerto Rico and the Puerto Ricans.

124. The discriminatory formula "a free associated State" applied to Puerto Rico which gave the territory of Puerto Rico certain rights of states of the United States of America placed upon it or the obligations of states of the Union. Whereas the majority of states of the Union had achieved the highest level of development, the territory of Puerto Rico was condemned to a low level of development and even to poverty, and the inhabitants of Puerto Rico had become second-class citizens.

125. Meanwhile, the military authorities of the United States were using Puerto Rico for their own purposes, like any other state of the Union in accordance with the needs and requirements of the country and more Puerto Ricans had laid down their lives for the United States than people from many other states of the Union.

Moreover, more Puerto Ricans than citizens of many other states of the Union were currently serving in the Army, the National Guard and the police of the United States. A paradoxical situation had come about with respect to Puerto Rico whereby when Puerto Ricans went to live in other states of the Union they enjoyed full civil rights, but on return to Puerto Rico they lost those rights.

126. In spite of the fact that Puerto Rico was virtually a state of the United States, political and economic interests hostile to Puerto Rico were opposed to recognition of the legal rights of Puerto Ricans and even wanted to expel Puerto Rico from the Union. It was significant that in Puerto Rico referendums had been required even though many other states had been incorporated without a referendum.

127. He pointed out that, as a result of the referendum, those in favour of incorporation with the United States with state rights and those in favour of the status of a free associated state — two essentially identical alternatives apart from the fact that they were supported by two opposing parties each intent on pursuing its own political ambitions — had each received over 40 percent of the votes, amounting to over 90 per cent of electoral votes overall. As for the opponents of granting the territory the status of a state of the Union, despite the fact that they had been unable to muster even 3 per cent of the votes, they invariably demanded the holding of a further plebiscite, forgetting that they were thus risking the expulsion of Puerto Rico from the Union.

128. Despite the stubbornness of the enemies of Puerto Rico, the process of transforming Puerto Rico into a state of the United States continued and there was no way back since it would be catastrophic to break the link with the United States.

129. There was only one solution to the question of Puerto Rico, namely to declare the territory of Puerto Rico a state of the United States with all the consequences that flowed therefrom.

130. *Mr. Adames withdrew.*

131. *At the invitation of the Chairman, Ms. Rexach (National Advancement for Puerto Rican Culture) took a place at the petitioners' table.*

132. **Ms. Rexach** (National Advancement for Puerto Rican Culture) said that, in the view of her organization, one of the best means of attaining peace was to unite people through their cultures.

133. It was well known that Puerto Rico had a clearly colonial status whereby over 3 million United States citizens were disenfranchised. In Puerto Rico itself a number of efforts to resolve the status problem had already been made. The most relevant of them was the plebiscite of 1988 although, under pressure from the Popular Democratic Party, a fifth option had artificially been included on the ballot. It was also worth pointing out that the Popular Democratic Party was supported by the Puerto Rican Independence Party since it was the only one that recognized that only a party in favour of granting Puerto Rico the status of a state of the Union could win in a referendum or plebiscite.

134. The leaders in favour of the "free associated state" option were deluding the population with the obviously impossible prospect of improving on Puerto Rico's current status. The Popular Democratic Party was now talking about convening a constituent assembly. The party which was in favour of state-of-the-union status was proposing the holding of a further referendum but that would not provide a solution because of the actions of those in favour of retaining the current status, or in favour of independence.

135. She said that her organization recognized that to proclaim Puerto Rico the fifty-first state of the Union was the only possible solution. In 1917, the United States Congress had given Puerto Ricans United States citizenship without giving them the right to participate in presidential elections or to be represented in the adoption of laws applying to them. By decision of the Congress, thousands of Puerto Ricans had gone to their deaths on the battlefields in five major conflicts. The Congress had a moral and legal obligation to conclude what it had begun and to declare Puerto Rico the fifty-first state. The United States had adopted Puerto Rico which loved its adoptive parents and did not wish to be separated from them.

136. *Ms. Rexach withdrew.*

137. *At the invitation of the Chairman, Ms. Vélez Mitchell (Primavida) took a place at the petitioners' table.*

138. **Ms. Vélez Mitchell** (Primavida) said that she represented an organization for the arts of the theatre.

139. Since 1898 the United States had changed from being the enemy of Puerto Rico to being its friend,

particularly now after ending military training on Vieques. Puerto Rico was struggling to retain its national dignity, whether that was under its current status or as one of the states of the Union of the United States.

140. Puerto Ricans believed in the ideas of Christian brotherhood. Puerto Rico had become home for Dominicans and Cubans, as well as for Haitians and Muslims deported from the United States. The influx was so great that there were insufficient jobs for Puerto Ricans.

141. Millions of courageous sons and daughters of Puerto Rico had fought for the United States on the battlefield. Puerto Rican women had on four occasions been elected Miss Universe and twice Miss World. It would be impossible to enumerate all the Puerto Rican writers, actors, artists and creative people. Puerto Ricans in the United States were the second largest minority, actively participating in the life of society. On 8 June 2003 a parade of honest and hardworking citizens of Puerto Rico had taken place in New York.

142. Many Dominicans, Cubans, Colombians and others were now living in the United States; each of those nationalities had its own culture and their representatives should be referred to in appropriate fashion rather than being labelled "Hispanics". When the mass media gave information about "Hispanic" lawbreakers, the erroneous impression was often created that the reference must be to Puerto Ricans. Nonetheless, racial diversity in Puerto Rico was as great as in the United States.

143. She taught poetry in State schools, and through poetry she taught her pupils to respect themselves, other people and life itself, as well as to honour their teachers. She did not believe that any of her pupils would take the wrong path.

144. *Ms. Vélez Mitchell withdrew.*

145. *At the invitation of the Chairman, Mr. Muriente Pérez (New Independence Movement of Puerto Rico) took a place at the petitioners' table.*

146. **Mr. Muriente Pérez** (New Independence Movement of Puerto Rico) said that for the past four years the people of Puerto Rico had been stepping up the struggle against foreign military occupation. The struggle had placed the emphasis on demilitarization and ending the United States Navy's military manoeuvres and bombings on Vieques island. Those efforts had yielded results. The United States Government had stated that as of 1 May 2003 it was ending its bombings and other military activity on the island. However, that did not mean that total victory had been achieved, since the island's land had been transferred to the jurisdiction of the United States Department of the Interior and the United States Fish and Wildlife Service, rather than to the people of Puerto Rico.

147. There was still the huge and complicated problem of cleansing the land of toxic materials which had been causing cancers as well as pulmonary and skin disorders. It was therefore necessary to ensure the sustainable and balanced socio-economic development of Vieques.

148. The United States Government had mobilized thousands of Puerto Ricans to take part in the aggression against Iraq. Although the majority of Puerto Ricans had not wanted to take part in that aggression, once again the United States had imposed its colonial will.

149. In the not-too-distant future the question of the colonial status of Puerto Rico would be considered by the General Assembly. The United States must fulfil its obligations and create the opportunities for the decolonization of Puerto Rico.

150. Noting that the country was prepared to wage a struggle for its independence and culture, he expressed the hope that the Committee would recognize Puerto Rico's right to fight for self-determination and independence.

151. *Mr. Muriente Pérez withdrew.*

152. *At the invitation of the Chairman, Ms. Reverón Collazo (Comité Puerto Rico en las Naciones Unidas) took a place at the petitioners' table.*

153. **Ms. Reverón Collazo** (Comité Puerto Rico en las Naciones Unidas) said that in the past ten years the people of Puerto Rico had achieved successes thanks to the efforts of her Committee. The administering Power had heeded her Committee's views concerning the release of many Puerto Rican patriots from prison.

154. The United States Navy had left Vieques on 1 May 2003. As a result of the joint struggle of the island's residents and the entire Puerto Rican people, steadfast international solidarity and the demands of the Special Committee in the light of the campaign of

civil disobedience, it had been possible to put an end to the annihilation of defenceless people. Vieques was a most persuasive example of what could be achieved when people united and set aside their ideological, political, religious, cultural, racial and economic differences. However, more effort would be needed over many more years before the sustainable economic development of Vieques could be achieved. That would require cleaning up the land and returning it to its original owners — the residents of Vieques. The bulk of the territory from which the Navy had withdrawn remained at the disposal of the United States Government.

155. The people of Puerto Rico were against the introduction of the death penalty by the United States Government, which had taken a decision against the wishes of the Puerto Rican people to implement in Puerto Rico the federal law on the death penalty for crimes under federal legislation that had been committed in Puerto Rico. That was a violation of Puerto Rico's right to self-determination. The United States Government was in breach of international agreements to which it was a Party. It was regrettable that colleagues in the United States legal system at federal, state and local levels did not know their obligations under the International Covenant on Civil and Political Rights.

156. After 103 years of colonial domination by the United States the people of Puerto Rico had not ceased their pursuit of a definitive legal and peaceful solution.

157. Today there was a threat not only to implementation of the right to sovereignty of peoples living in conditions of colonialism but also to the sovereignty of independent sovereign States. The occupation of Afghanistan and Iraq and the intimidation of the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Syrian Arab Republic and the Libyan Arab Jamahiriya represented a danger to the world order and an infringement of the right to self-determination of peoples. The Comité Puerto Rico en las Naciones Unidas was decisively against the interventionist policy directed chiefly at Cuba, whose people had for many years unreservedly spoken out in defence of the rights of the people of Puerto Rico to self-determination and independence. She expressed appreciation to the delegation of Cuba for having submitted the draft resolution, which reflected the aspirations of the people of Puerto Rico.

The meeting rose at 1 p.m.